

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DARRYL STEELE,

Plaintiff,

- against -

DRUG ENFORCEMENT AGENCY (DEA),
TODD LEPKOFKER, WESLEY FRITZ,

Defendants.

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

: 07 Civ. 3859 (JSR) (JCF)

: MEMORANDUM
: AND ORDER

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>10/5/07</u></p>
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Darryl Steele originally moved to set aside the forfeiture of approximately \$164,330.00 in United States currency seized by the Drug Enforcement Agency during and after the arrest of the plaintiff and a co-conspirator. The Government conceded that the plaintiff may not have received adequate notice, and by Order dated July 26, 2007, I set aside the declaration of forfeiture without prejudice to the Government's filing a civil forfeiture action. The Government subsequently commenced such an action. United States v. \$164,330, No. 07 Civ. 6822 (JSR).


Mr. Steele has now filed a document in this case entitled Petition to Release Property Under Supplemental Rules for Admiralty or Claims and Asset Forfeiture Actions Under Rule G(d). He argues that the currency should be returned to him because the time for the Government to file a civil forfeiture action lapsed. In effect, Mr. Steele seeks reconsideration of my July 26 Order. As such, his application is untimely. Any motion for reconsideration or reargument must be made within ten days of entry of the order at issue. Local Civil Rule 6.3. In this case, my July 26 Order was

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entered on the docket on the following day, but Mr. Steele did not
submit his application until August 17.

Even if his request were timely, it would fail on the merits.
Pursuant to 18 U.S.C. § 983(e), a court may set aside a declaration
of forfeiture without prejudice to the Government's filing a
subsequent forfeiture proceeding "notwithstanding the expiration of
any applicable statute of limitations." 18 U.S.C. § 983(e)(2)(A)
(emphasis supplied).

Accordingly, Mr. Steele's petition is denied.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
October 5, 2007

Copies mailed this date:

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#11666055
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